

1 373.4592 Everglades improvement and management.--

2
3 (1) FINDINGS AND INTENT.--

4
5 (a) The Legislature finds that the Everglades ecological system not only contributes to
6 South Florida's water supply, flood control, and recreation, but serves as the habitat for
7 diverse species of wildlife and plant life. The system is unique in the world and one of
8 Florida's great treasures. The Everglades ecological system is endangered as a result of
9 adverse changes in water quality, and in the quantity, distribution, and timing of flows,
10 and, therefore, must be restored and protected.

11
12 (b) The Legislature finds that, although the district and the department have developed
13 plans and programs for the improvement and management of the surface waters tributary
14 to the Everglades Protection Area, implementation of those plans and programs has not
15 been as timely as is necessary to restore and protect unique flora and fauna of the
16 Everglades, including the Everglades National Park and the Arthur R. Marshall
17 Loxahatchee National Wildlife Refuge. Therefore, the Legislature determines that an
18 appropriate method to proceed with Everglades restoration and protection is to authorize
19 the district to proceed expeditiously with implementation of the Everglades Program.

20
21 (c) The Legislature finds that, in the last decade, people have come to realize the
22 tremendous cost the alteration of natural systems has exacted on the region. The
23 Statement of Principles of July 1993 among the Federal Government, the South Florida
24 Water Management District, the Department of Environmental Protection, and certain
25 agricultural industry representatives formed a basis to bring to a close 5 years of costly
26 litigation. That agreement should be used to begin the cleanup and renewal of the
27 Everglades ecosystem.

28
29 (d) It is the intent of the Legislature to promote Everglades restoration and protection
30 through certain legislative findings and determinations. The Legislature finds that waters
31 flowing into the Everglades Protection Area contain excessive levels of phosphorus. A
32 reduction in levels of phosphorus will benefit the ecology of the Everglades Protection
33 Area.

34
35 (e) It is the intent of the Legislature to pursue comprehensive and innovative solutions to
36 issues of water quality, water quantity, hydroperiod, and invasion of exotic species which
37 face the Everglades ecosystem. The Legislature recognizes that the Everglades ecosystem
38 must be restored both in terms of water quality and water quantity and must be preserved
39 and protected in a manner that is long term and comprehensive. The Legislature further
40 recognizes that the EAA and adjacent areas provide a base for an agricultural industry,
41 which in turn provides important products, jobs, and income regionally and nationally. It
42 is the intent of the Legislature to preserve natural values in the Everglades while also
43 maintaining the quality of life for all residents of South Florida, including those in
44 agriculture, and to minimize the impact on South Florida jobs, including agricultural,
45 tourism, and natural resource-related jobs, all of which contribute to a robust regional
46 economy.

1
2 (f) The Legislature finds that improved water supply and hydroperiod management are
3 crucial elements to overall revitalization of the Everglades ecosystem, including Florida
4 Bay. It is the intent of the Legislature to expedite plans and programs for improving water
5 quantity reaching the Everglades, correcting long-standing hydroperiod problems,
6 increasing the total quantity of water flowing through the system, providing water supply
7 for the Everglades National Park, urban and agricultural areas, and Florida Bay, and
8 replacing water previously available from the coastal ridge in areas of southern Dade
9 County. Whenever possible, wasteful discharges of fresh water to tide shall be reduced,
10 and the water shall be stored for delivery at more optimum times. Additionally, reuse and
11 conservation measures shall be implemented consistent with law. The Legislature further
12 recognizes that additional water storage may be an appropriate use of Lake Okeechobee.
13

14 (g) The Legislature finds that the Statement of Principles of July 1993, the Everglades
15 Construction Project, and the regulatory requirements of this section provide a sound
16 basis for the state's long-term cleanup and restoration objectives for the Everglades. It is
17 the intent of the Legislature to provide a sufficient period of time for construction,
18 testing, and research, so that the benefits of the Everglades Construction Project will be
19 determined and maximized prior to requiring additional measures. The Legislature finds
20 that STAs and BMPs are currently the best available technology for achieving the interim
21 water quality goals of the Everglades Program. A combined program of agricultural
22 BMPs, STAs, and requirements of this section is a reasonable method of achieving
23 interim total phosphorus discharge reductions. The Everglades Program is an appropriate
24 foundation on which to build a long-term program to ultimately achieve restoration and
25 protection of the Everglades Protection Area.
26

27 (h) The Everglades Construction Project represents by far the largest environmental
28 cleanup and restoration program of this type ever undertaken, and the returns from
29 substantial public and private investment must be maximized so that available resources
30 are managed responsibly. To that end, the Legislature directs that the Everglades
31 Construction Project and regulatory requirements associated with the Statement of
32 Principles of July 1993 be pursued expeditiously, but with flexibility, so that superior
33 technology may be utilized when available. Consistent with the implementation of the
34 Everglades Construction Project, landowners shall be provided the maximum opportunity
35 to provide treatment on their land.
36

37 (2) DEFINITIONS.--As used in this section:
38

39 (a) "Best available phosphorus reduction technology" or "BAPRT" means a combination
40 of BMPs and STAs which includes a continuing research and monitoring program to
41 reduce outflow concentrations of phosphorus so as to achieve the phosphorus criterion in
42 the Everglades Protection Area.
43

44 (b) "Best management practice" or "BMP" means a practice or combination of practices
45 determined by the district, in cooperation with the department, based on research, field-
46 testing, and expert review, to be the most effective and practicable, including economic

1 and technological considerations, on-farm means of improving water quality in
2 agricultural discharges to a level that balances water quality improvements and
3 agricultural productivity.
4

5 (c) "C-139 Basin" or "Basin" means those lands described in subsection (16).
6

7 (d) "Department" means the Florida Department of Environmental Protection.
8

9 (e) "District" means the South Florida Water Management District.
10

11 (f) "Everglades Agricultural Area" or "EAA" means the Everglades Agricultural Area,
12 which are those lands described in subsection (15).
13

14 (g) "Everglades Construction Project" means the project described in the February 15,
15 1994, conceptual design document together with construction and operation schedules on
16 file with the South Florida Water Management District, except as modified by this
17 section and further described in the Long-Term Plan.
18

19 (h) "Everglades Program" means the program of projects, regulations, and research
20 provided by this section, including the Everglades Construction Project.
21

22 (i) "Everglades Protection Area" means Water Conservation Areas 1, 2A, 2B, 3A, and
23 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and the Everglades
24 National Park.
25

26 (j) "Long-Term Plan" or "Plan" means the district's "Everglades Protection Area
27 Tributary Basins Conceptual Plan for Achieving Long-Term Water Quality Goals Final
28 Report" dated March 2003, as modified herein.
29

30 (k) "Master permit" means a single permit issued to a legally responsible entity defined
31 by rule, authorizing the construction, alteration, maintenance, or operation of multiple
32 stormwater management systems that may be owned or operated by different persons and
33 which provides an opportunity to achieve collective compliance with applicable
34 department and district rules and the provisions of this section.
35

36 (l) "Optimization" shall mean maximizing the potential treatment effectiveness of the
37 STAs through measures such as additional compartmentalization, improved flow control,
38 vegetation management, or operation refinements, in combination with improvements
39 where practicable in urban and agricultural BMPs, and includes integration with
40 congressionally authorized components of the Comprehensive Everglades Restoration
41 Plan or "CERP".
42

43 (m) "Phosphorus criterion" means a numeric interpretation for phosphorus of the Class
44 III narrative nutrient criterion.
45

1 (n) "Stormwater management program" shall have the meaning set forth in s.
2 403.031(15).

3
4 (o) "Stormwater treatment areas" or "STAs" means those treatment areas described and
5 depicted in the district's conceptual design document of February 15, 1994, and any
6 modifications as provided in this section.

7
8 (p) "Technology-based effluent limitation" or "TBEL" means the technology-based
9 treatment requirements as defined in rule 62-650.200, Florida Administrative Code.

10
11 (3) EVERGLADES LONG-TERM PLAN.--

12
13 (a) The Legislature finds that the Everglades Program required by this section establishes
14 more extensive and comprehensive requirements for surface water improvement and
15 management within the Everglades than the SWIM plan requirements provided in ss.
16 373.451-373.456. In order to avoid duplicative requirements, and in order to conserve the
17 resources available to the district, the SWIM plan requirements of those sections shall not
18 apply to the Everglades Protection Area and the EAA during the term of the Everglades
19 Program, and the district will neither propose, nor take final agency action on, any
20 Everglades SWIM plan for those areas until the Everglades Program is fully
21 implemented. Funds under s. 259.101(3)(b) may be used for acquisition of lands
22 necessary to implement the Everglades Construction Project, to the extent these funds are
23 identified in the Statement of Principles of July 1993. The district's actions in
24 implementing the Everglades Construction Project relating to the responsibilities of the
25 EAA and C-139 Basin for funding and water quality compliance in the EAA and the
26 Everglades Protection Area shall be governed by this section. Other strategies or
27 activities in the March 1992 Everglades SWIM plan may be implemented if otherwise
28 authorized by law.

29
30 (b) The Legislature finds that the most reliable means of optimizing the performance of
31 STAs and achieving reasonable further progress in reducing phosphorus entering the
32 Everglades Protection Area is to utilize a long-term planning process. The Legislature
33 finds that the Long-Term Plan provides the best available phosphorus reduction
34 technology based upon a combination of the BMPs and STAs described in the Plan
35 provided that the Plan shall seek to achieve the phosphorus criterion in the Everglades
36 Protection Area. The pre-2006 projects identified in the Long-Term Plan shall be
37 implemented by the district without delay, and revised with the planning goal and
38 objective of achieving the phosphorus criterion to be adopted pursuant to subparagraph
39 (4)(e)2. in the Everglades Protection Area, and not based on any planning goal or
40 objective in the Plan that is inconsistent with this section. Revisions to the Long-Term
41 Plan shall be incorporated through an adaptive management approach including a process
42 development and engineering component to identify and implement incremental
43 optimization measures for further phosphorus reductions. Revisions to the Long-Term
44 Plan shall be approved by the department. In addition, the department may propose
45 changes to the Long-Term Plan as science and environmental conditions warrant.

1 (c) It is the intent of the Legislature that implementation of the Long-Term Plan shall be
2 integrated and consistent with the implementation of the projects and activities in the
3 congressionally authorized components of the CERP so that unnecessary and duplicative
4 costs will be avoided. Nothing in this section shall modify any existing cost share or
5 responsibility provided for projects listed in s. 528 of the Water Resources Development
6 Act of 1996 (110 Stat. 3769) or provided for projects listed in s. 601 of the Water
7 Resources Development Act of 2000 (114 Stat. 2572). The Legislature does not intend
8 for the provisions of this section to diminish commitments made by the State of Florida
9 to restore and maintain water quality in the Everglades Protection Area, including the
10 federal lands in the settlement agreement referenced in paragraph (4)(e).

11
12 (d) The Legislature recognizes that the Long-Term Plan contains an initial phase and a
13 10-year second phase. The Legislature intends that a review of this act at least 10 years
14 after implementation of the initial phase is appropriate and necessary to the public
15 interest. The review is the best way to ensure that the Everglades Protection Area is
16 achieving state water quality standards, including phosphorus reduction, and the Long-
17 Term Plan is using the best technology available. A 10-year second phase of the Long-
18 Term Plan must be approved by the Legislature and codified in this act prior to
19 implementation of projects, but not prior to development, review, and approval of
20 projects by the department.

21
22 (e) The Long-Term Plan shall be implemented for an initial 13-year phase (2003-2016)
23 and shall achieve water quality standards relating to the phosphorus criterion in the
24 Everglades Protection Area as determined by a network of monitoring stations
25 established for this purpose. Not later than December 31, 2008, and each 5 years
26 thereafter, the department shall review and approve incremental phosphorus reduction
27 measures.

28
29 (4) EVERGLADES PROGRAM.--
30

31 (a) Everglades Construction Project.--The district shall implement the Everglades
32 Construction Project. By the time of completion of the project, the state, district, or other
33 governmental authority shall purchase the inholdings in the Rotenberger and such other
34 lands necessary to achieve a 2:1 mitigation ratio for the use of Brown's Farm and other
35 similar lands, including those needed for the STA 1 Inflow and Distribution Works. The
36 inclusion of public lands as part of the project is for the purpose of treating waters not
37 coming from the EAA for hydroperiod restoration. It is the intent of the Legislature that
38 the district aggressively pursue the implementation of the Everglades Construction
39 Project in accordance with the schedule in this subsection. The Legislature recognizes
40 that adherence to the schedule is dependent upon factors beyond the control of the
41 district, including the timely receipt of funds from all contributors. The district shall take
42 all reasonable measures to complete timely performance of the schedule in this section in
43 order to finish the Everglades Construction Project. The district shall not delay
44 implementation of the project beyond the time delay caused by those circumstances and
45 conditions that prevent timely performance. The district shall not levy ad valorem taxes
46 in excess of 0.1 mill within the Okeechobee Basin for the purposes of the design,

1 construction, and acquisition of the Everglades Construction Project. The ad valorem tax
2 proceeds not exceeding 0.1 mill levied within the Okeechobee Basin for such purposes
3 shall also be used for design, construction, and implementation of the initial phase of the
4 Long-Term Plan, including operation and maintenance, and research for the projects and
5 strategies in the initial phase of the Long-Term Plan, and including the enhancements and
6 operation and maintenance of the Everglades Construction Project and shall be the sole
7 direct district contribution from district ad valorem taxes appropriated or expended for
8 the design, construction, and acquisition of the Everglades Construction Project unless
9 the Legislature by specific amendment to this section increases the 0.1 mill ad valorem
10 tax contribution, increases the agricultural privilege taxes, or otherwise reallocates the
11 relative contribution by ad valorem taxpayers and taxpayers paying the agricultural
12 privilege taxes toward the funding of the design, construction, and acquisition of the
13 Everglades Construction Project. Notwithstanding the provisions of s. 200.069 to the
14 contrary, any millage levied under the 0.1 mill limitation in this paragraph shall be
15 included as a separate entry on the Notice of Proposed Property Taxes pursuant to s.
16 200.069. Once the STAs are completed, the district shall allow these areas to be used by
17 the public for recreational purposes in the manner set forth in s. 373.1391(1), considering
18 the suitability of these lands for such uses. These lands shall be made available for
19 recreational use unless the district governing board can demonstrate that such uses are
20 incompatible with the restoration goals of the Everglades Construction Project or the
21 water quality and hydrological purposes of the STAs or would otherwise adversely
22 impact the implementation of the project. The district shall give preferential consideration
23 to the hiring of agricultural workers displaced as a result of the Everglades Construction
24 Project, consistent with their qualifications and abilities, for the construction and
25 operation of these STAs. The following milestones apply to the completion of the
26 Everglades Construction Project as depicted in the February 15, 1994, conceptual design
27 document:

- 28
29 1. The district must complete the final design of the STA 1 East and West and pursue
30 STA 1 East project components as part of a cost-shared program with the Federal
31 Government. The district must be the local sponsor of the federal project that will include
32 STA 1 East, and STA 1 West if so authorized by federal law;
33
- 34 2. Construction of STA 1 East is to be completed under the direction of the United States
35 Army Corps of Engineers in conjunction with the currently authorized C-51 flood control
36 project;
37
- 38 3. The district must complete construction of STA 1 West and STA 1 Inflow and
39 Distribution Works under the direction of the United States Army Corps of Engineers, if
40 the direction is authorized under federal law, in conjunction with the currently authorized
41 C-51 flood control project;
42
- 43 4. The district must complete construction of STA 3/4 by October 1, 2003; however, the
44 district may modify this schedule to incorporate and accelerate enhancements to STA 3/4
45 as directed in the Long-Term Plan;
46

1 5. The district must complete construction of STA 6;
2

3 6. The district must, by December 31, 2006, complete construction of enhancements to
4 the Everglades Construction Project recommended in the Long-Term Plan and initiate
5 other pre-2006 strategies in the plan; and
6

7 7. East Beach Water Control District, South Shore Drainage District, South Florida
8 Conservancy District, East Shore Water Control District, and the lessee of agricultural
9 lease number 3420 shall complete any system modifications described in the Everglades
10 Construction Project to the extent that funds are available from the Everglades Fund.
11 These entities shall divert the discharges described within the Everglades Construction
12 Project within 60 days of completion of construction of the appropriate STA. Such
13 required modifications shall be deemed to be a part of each district's plan of reclamation
14 pursuant to chapter 298.
15

16 (b) Everglades water supply and hydroperiod improvement and restoration.--
17

18 1. A comprehensive program to revitalize the Everglades shall include programs and
19 projects to improve the water quantity reaching the Everglades Protection Area at
20 optimum times and improve hydroperiod deficiencies in the Everglades ecosystem. To
21 the greatest extent possible, wasteful discharges of fresh water to tide shall be reduced,
22 and water conservation practices and reuse measures shall be implemented by water
23 users, consistent with law. Water supply management must include improvement of
24 water quantity reaching the Everglades, correction of long-standing hydroperiod
25 problems, and an increase in the total quantity of water flowing through the system.
26 Water supply management must provide water supply for the Everglades National Park,
27 the urban and agricultural areas, and the Florida Bay and must replace water previously
28 available from the coastal ridge areas of southern Dade County. The Everglades
29 Construction Project redirects some water currently lost to tide. It is an important first
30 step in completing hydroperiod improvement.
31

32 2. The district shall operate the Everglades Construction Project as specified in the
33 February 15, 1994, conceptual design document, to provide additional inflows to the
34 Everglades Protection Area. The increased flow from the project shall be directed to the
35 Everglades Protection Area as needed to achieve an average annual increase of 28
36 percent compared to the baseline years of 1979 to 1988. Consistent with the design of the
37 Everglades Construction Project and without demonstratively reducing water quality
38 benefits, the regulatory releases will be timed and distributed to the Everglades Protection
39 Area to maximize environmental benefits.
40

41 3. The district shall operate the Everglades Construction Project in accordance with the
42 February 15, 1994, conceptual design document to maximize the water quantity benefits
43 and improve the hydroperiod of the Everglades Protection Area. All reductions of flow to
44 the Everglades Protection Area from BMP implementation will be replaced. The district
45 shall develop a model to be used for quantifying the amount of water to be replaced. The

1 timing and distribution of this replaced water will be directed to the Everglades
2 Protection Area to maximize the natural balance of the Everglades Protection Area.
3

4 4. The Legislature recognizes the complexity of the Everglades watershed, as well as
5 legal mandates under Florida and federal law. As local sponsor of the Central and
6 Southern Florida Flood Control Project, the district must coordinate its water supply and
7 hydroperiod programs with the Federal Government. Federal planning, research,
8 operating guidelines, and restrictions for the Central and Southern Florida Flood Control
9 Project now under review by federal agencies will provide important components of the
10 district's Everglades Program. The department and district shall use their best efforts to
11 seek the amendment of the authorized purposes of the project to include water quality
12 protection, hydroperiod restoration, and environmental enhancement as authorized
13 purposes of the Central and Southern Florida Flood Control Project, in addition to the
14 existing purposes of water supply, flood protection, and allied purposes. Further, the
15 department and the district shall use their best efforts to request that the Federal
16 Government include in the evaluation of the regulation schedule for Lake Okeechobee a
17 review of the regulatory releases, so as to facilitate releases of water into the Everglades
18 Protection Area which further improve hydroperiod restoration.
19

20 5. The district, through cooperation with the federal and state agencies, shall develop
21 other programs and methods to increase the water flow and improve the hydroperiod of
22 the Everglades Protection Area.
23

24 6. Nothing in this section is intended to provide an allocation or reservation of water or
25 to modify the provisions of part II. All decisions regarding allocations and reservations of
26 water shall be governed by applicable law.
27

28 7. The district shall proceed to expeditiously implement the minimum flows and levels
29 for the Everglades Protection Area as required by s. 373.042 and shall expeditiously
30 complete the Lower East Coast Water Supply Plan.
31

32 (c) STA 3/4 modification.--The Everglades Program will contribute to the restoration of
33 the Rotenberger and Holey Land tracts. The Everglades Construction Project provides a
34 first step toward restoration by improving hydroperiod with treated water for the
35 Rotenberger tract and by providing a source of treated water for the Holey Land. It is
36 further the intent of the Legislature that the easternmost tract of the Holey Land, known
37 as the "Toe of the Boot," be removed from STA 3/4 under the circumstances set forth in
38 this paragraph. The district shall proceed to modify the Everglades Construction Project,
39 provided that the redesign achieves at least as many environmental and hydrological
40 benefits as are included in the original design, including treatment of waters from sources
41 other than the EAA, and does not delay construction of STA 3/4. The district is
42 authorized to use eminent domain to acquire alternative lands, only if such lands are
43 located within 1 mile of the northern border of STA 3/4.
44

45 (d) Everglades research and monitoring program.--
46

1 1. The department and the district shall review and evaluate available water quality data
2 for the Everglades Protection Area and tributary waters and identify any additional
3 information necessary to adequately describe water quality in the Everglades Protection
4 Area and tributary waters. The department and the district shall also initiate a research
5 and monitoring program to generate such additional information identified and to
6 evaluate the effectiveness of the BMPs and STAs, as they are implemented, in improving
7 water quality and maintaining designated and existing beneficial uses of the Everglades
8 Protection Area and tributary waters. As part of the program, the district shall monitor all
9 discharges into the Everglades Protection Area for purposes of determining compliance
10 with state water quality standards.

11
12 2. The research and monitoring program shall evaluate the ecological and hydrological
13 needs of the Everglades Protection Area, including the minimum flows and levels.
14 Consistent with such needs, the program shall also evaluate water quality standards for
15 the Everglades Protection Area and for the canals of the EAA, so that these canals can be
16 classified in the manner set forth in paragraph (e) and protected as an integral part of the
17 water management system which includes the STAs of the Everglades Construction
18 Project and allows landowners in the EAA to achieve applicable water quality standards
19 compliance by BMPs and STA treatment to the extent this treatment is available and
20 effective.

21
22 3. The research and monitoring program shall include research seeking to optimize the
23 design and operation of the STAs, including research to reduce outflow concentrations,
24 and to identify other treatment and management methods and regulatory programs that
25 are superior to STAs in achieving the intent and purposes of this section.

26
27 4. The research and monitoring program shall be conducted to allow the department to
28 propose a phosphorus criterion in the Everglades Protection Area, and to evaluate
29 existing state water quality standards applicable to the Everglades Protection Area and
30 existing state water quality standards and classifications applicable to the EAA canals. In
31 developing the phosphorus criterion, the department shall also consider the minimum
32 flows and levels for the Everglades Protection Area and the district's water supply plans
33 for the Lower East Coast.

34
35 5. Beginning January 1, 2000, the district and the department shall annually issue a peer-
36 reviewed report regarding the research and monitoring program that summarizes all data
37 and findings. The department shall provide copies of the report to the Governor, the
38 President of the Senate, and the Speaker of the House of Representatives. The report shall
39 identify water quality parameters, in addition to phosphorus, which exceed state water
40 quality standards or are causing or contributing to adverse impacts in the Everglades
41 Protection Area.

42
43 6. The district shall continue research seeking to optimize the design and operation of
44 STAs and to identify other treatment and management methods that are superior to STAs
45 in achieving optimum water quality and water quantity for the benefit of the Everglades.
46 The district shall optimize the design and operation of the STAs described in the

1 Everglades Construction Project prior to expanding their size. Additional methods to
2 achieve compliance with water quality standards shall not be limited to more intensive
3 management of the STAs.

4
5 (e) Evaluation of water quality standards.--

6
7 1. The department and the district shall employ all means practicable to complete by
8 December 31, 1998, any additional research necessary to:

9
10 a. Numerically interpret for phosphorus the Class III narrative nutrient criterion
11 necessary to meet water quality standards in the Everglades Protection Area; and

12
13 b. Evaluate existing water quality standards applicable to the Everglades Protection Area
14 and EAA canals.

15
16 2. In no case shall such phosphorus criterion allow waters in the Everglades Protection
17 Area to be altered so as to cause an imbalance in the natural populations of aquatic flora
18 or fauna. The phosphorus criterion shall be 10 parts per billion (ppb) in the Everglades
19 Protection Area in the event the department does not adopt by rule such criterion by
20 December 31, 2003. However, in the event the department fails to adopt a phosphorus
21 criterion on or before December 31, 2002, any person whose substantial interests would
22 be affected by the rulemaking shall have the right, on or before February 28, 2003, to
23 petition for a writ of mandamus to compel the department to adopt by rule such criterion.
24 Venue for the mandamus action must be Leon County. The court may stay
25 implementation of the 10 parts per billion (ppb) criterion during the pendency of the
26 mandamus proceeding upon a demonstration by the petitioner of irreparable harm in the
27 absence of such relief. The department's phosphorus criterion, whenever adopted, shall
28 supersede the 10 parts per billion (ppb) criterion otherwise established by this section, but
29 shall not be lower than the natural conditions of the Everglades Protection Area and shall
30 take into account spatial and temporal variability. The department's rule adopting a
31 phosphorus criterion may include moderating provisions during the implementation of
32 the initial phase of the Long-Term Plan authorizing discharges based upon BAPRT
33 providing net improvement to impacted areas. Discharges to unimpacted areas may also
34 be authorized by moderating provisions, which shall require BAPRT, and which must be
35 based upon a determination by the department that the environmental benefits of the
36 discharge clearly outweigh potential adverse impacts and otherwise comply with
37 antidegradation requirements. Moderating provisions authorized by this section shall not
38 extend beyond December 2016 unless further authorized by the Legislature pursuant to
39 paragraph (3)(d).

40
41 3. The department shall use the best available information to define relationships
42 between waters discharged to, and the resulting water quality in, the Everglades
43 Protection Area. The department or the district shall use these relationships to establish
44 discharge limits in permits for discharges into the EAA canals and the Everglades
45 Protection Area necessary to prevent an imbalance in the natural populations of aquatic
46 flora or fauna in the Everglades Protection Area, and to provide a net improvement in the

1 areas already impacted. During the implementation of the initial phase of the Long-Term
2 Plan, permits issued by the department shall be based on BAPRT and shall include
3 technology-based effluent limitations consistent with the Long-Term Plan. Compliance
4 with the phosphorus criterion shall be based upon a long-term geometric mean of
5 concentration levels to be measured at sampling stations recognized from the research to
6 be reasonably representative of receiving waters in the Everglades Protection Area, and
7 so located so as to assure that the Everglades Protection Area is not altered so as to cause
8 an imbalance in natural populations of aquatic flora and fauna and to assure a net
9 improvement in the areas already impacted. For the Everglades National Park and the
10 Arthur R. Marshall Loxahatchee National Wildlife Refuge, the method for measuring
11 compliance with the phosphorus criterion shall be in a manner consistent with
12 Appendices A and B, respectively, of the settlement agreement dated July 26, 1991,
13 entered in case No. 88-1886-Civ-Hoeveler, United States District Court for the Southern
14 District of Florida, that recognizes and provides for incorporation of relevant research.

15
16 4. The department's evaluation of any other water quality standards must include the
17 department's antidegradation standards and EAA canal classifications. In recognition of
18 the special nature of the conveyance canals of the EAA, as a component of the
19 classification process, the department is directed to formally recognize by rulemaking
20 existing actual beneficial uses of the conveyance canals in the EAA. This shall include
21 recognition of the Class III designated uses of recreation, propagation and maintenance of
22 a healthy, well-balanced population of fish and wildlife, the integrated water management
23 purposes for which the Central and Southern Florida Flood Control Project was
24 constructed, flood control, conveyance of water to and from Lake Okeechobee for urban
25 and agricultural water supply, Everglades hydroperiod restoration, conveyance of water
26 to the STAs, and navigation.

27
28 (f) EAA best management practices.--

29
30 1. The district, in cooperation with the department, shall develop and implement a water
31 quality monitoring program to evaluate the effectiveness of the BMPs in achieving and
32 maintaining compliance with state water quality standards and restoring and maintaining
33 designated and existing beneficial uses. The program shall include an analysis of the
34 effectiveness of the BMPs in treating constituents that are not being significantly
35 improved by the STAs. The monitoring program shall include monitoring of appropriate
36 parameters at representative locations.

37
38 2. The district shall continue to require and enforce the BMP and other requirements of
39 chapters 40E-61 and 40E-63, Florida Administrative Code, during the terms of the
40 existing permits issued pursuant to those rules. Chapter 40E-61, Florida Administrative
41 Code, may be amended to include the BMPs required by chapter 40E-63, Florida
42 Administrative Code. Prior to the expiration of existing permits, and during each 5-year
43 term of subsequent permits as provided for in this section, those rules shall be amended to
44 implement a comprehensive program of research, testing, and implementation of BMPs
45 that will address all water quality standards within the EAA and Everglades Protection
46 Area. Under this program:

1
2 a. EAA landowners, through the EAA Environmental Protection District or otherwise,
3 shall sponsor a program of BMP research with qualified experts to identify appropriate
4 BMPs.

5
6 b. Consistent with the water quality monitoring program, BMPs will be field-tested in a
7 sufficient number of representative sites in the EAA to reflect soil and crop types and
8 other factors that influence BMP design and effectiveness.

9
10 c. BMPs as required for varying crops and soil types shall be included in permit
11 conditions in the 5-year permits issued pursuant to this section.

12
13 d. The district shall conduct research in cooperation with EAA landowners to identify
14 water quality parameters that are not being significantly improved either by the STAs or
15 the BMPs, and to identify further BMP strategies needed to address these parameters.

16
17 3. The Legislature finds that through the implementation of the Everglades BMPs
18 Program and the implementation of the Everglades Construction Project, reasonable
19 further progress will be made towards addressing water quality requirements of the EAA
20 canals and the Everglades Protection Area. Permittees within the EAA and the C-139
21 Basin who are in full compliance with the conditions of permits under chapters 40E-61
22 and 40E-63, Florida Administrative Code, have made all payments required under the
23 Everglades Program, and are in compliance with 1 subparagraph (a)8., if applicable, shall
24 not be required to implement additional water quality improvement measures, prior to
25 December 31, 2006, other than those required by subparagraph 2., with the following
26 exceptions:

27
28 a. Nothing in this subparagraph shall limit the existing authority of the department or the
29 district to limit or regulate discharges that pose a significant danger to the public health
30 and safety; and

31
32 b. New land uses and new stormwater management facilities other than alterations to
33 existing agricultural stormwater management systems for water quality improvements
34 shall not be accorded the compliance established by this section. Permits may be required
35 to implement improvements or alterations to existing agricultural water management
36 systems.

37
38 4. As of December 31, 2006, all permits, including those issued prior to that date, shall
39 require implementation of additional water quality measures, taking into account the
40 water quality treatment actually provided by the STAs and the effectiveness of the BMPs.
41 As of that date, no permittee's discharge shall cause or contribute to any violation of
42 water quality standards in the Everglades Protection Area.

43
44 5. Effective immediately, landowners within the C-139 Basin shall not collectively
45 exceed an annual average loading of phosphorus based proportionately on the historical
46 rainfall for the C-139 Basin over the period of October 1, 1978, to September 30, 1988.

1 New surface inflows shall not increase the annual average loading of phosphorus stated
2 above. Provided that the C-139 Basin does not exceed this annual average loading, all
3 landowners within the Basin shall be in compliance for that year. Compliance
4 determinations for individual landowners within the C-139 Basin for remedial action, if
5 the Basin is determined by the district to be out of compliance for that year, shall be
6 based on the landowners' proportional share of the total phosphorus loading. The total
7 phosphorus discharge load shall be determined as set forth in Appendix B2 of Rule 40E-
8 63, Everglades Program, Florida Administrative Code.

9
10 6. The district, in cooperation with the department, shall develop and implement a water
11 quality monitoring program to evaluate the quality of the discharge from the C-139
12 Basin. Upon determination by the department or the district that the C-139 Basin is
13 exceeding any presently existing water quality standards, the district shall require
14 landowners within the C-139 Basin to implement BMPs appropriate to the land uses
15 within the C-139 Basin consistent with subparagraph 2. Thereafter, the provisions of
16 subparagraphs 2.-4. shall apply to the landowners within the C-139 Basin.

17
18 (g) Monitoring and control of exotic species.--

19
20 1. The district shall establish a biological monitoring network throughout the Everglades
21 Protection Area and shall prepare a survey of exotic species at least every 2 years.

22
23 2. In addition, the district shall establish a program to coordinate with federal, state, or
24 other governmental entities the control of continued expansion and the removal of these
25 exotic species. The district's program shall give high priority to species affecting the
26 largest areal extent within the Everglades Protection Area.

27
28 (5) ACQUISITION AND LEASE OF STATE LANDS.--

29
30 (a) As used in this subsection, the term:

31
32 1. "Available land" means land within the EAA owned by the board of trustees which is
33 covered by any of the following leases: Numbers 3543, 3420, 1447, 1971-5, and 3433,
34 and the southern one-third of number 2376 constituting 127 acres, more or less.

35
36 2. "Board of trustees" means the Board of Trustees of the Internal Improvement Trust
37 Fund.

38
39 3. "Designated acre," as to any impacted farmer, means an acre of land which is
40 designated for STAs or water retention or storage in the February 15, 1994, conceptual
41 design document and which is owned or leased by the farmer or on which one or more
42 agricultural products were produced which, during the period beginning October 1, 1992,
43 and ending September 30, 1993, were processed at a facility owned by the farmer.

44
45 4. "Impacted farmer" means a producer or processor of agricultural commodities and
46 includes subsidiaries and affiliates that have designated acres.

1
2 5. "Impacted vegetable farmer" means an impacted farmer in the EAA who uses more
3 than 30 percent of the land farmed by that farmer, whether owned or leased, for the
4 production of vegetables.

5
6 6. "Vegetable-area available land" means land within the EAA owned by the board of
7 trustees which is covered by lease numbers 3422 and 1935/1935S.

8
9 (b) The Legislature declares that it is necessary for the public health and welfare that the
10 Everglades water and water-related resources be conserved and protected. The
11 Legislature further declares that certain lands may be needed for the treatment or storage
12 of water prior to its release into the Everglades Protection Area. The acquisition of real
13 property for this objective constitutes a public purpose for which public funds may be
14 expended. In addition to other authority pursuant to this chapter to acquire real property,
15 the governing board of the district is empowered and authorized to acquire fee title or
16 easements by eminent domain for the limited purpose of implementing stormwater
17 management systems, identified and described in the Everglades Construction Project or
18 determined necessary to meet water quality requirements established by rule or permit.

19
20 (c) The Legislature determines it to be in the public interest to minimize the potential
21 loss of land and related product supply to farmers and processors who are most affected
22 by acquisition of land for Everglades restoration and hydroperiod purposes. Accordingly,
23 subject to the priority established below for vegetable-area available land, impacted
24 farmers shall have priority in the leasing of available land. An impacted farmer shall have
25 the right to lease each parcel of available land, upon expiration of the existing lease, for a
26 term of 20 years and at a rental rate determined by appraisal using established state
27 procedures. For those parcels of land that have previously been competitively bid, the
28 rental rate shall not be less than the rate the board of trustees currently receives. The
29 board of trustees may also adjust the rental rate on an annual basis using an appropriate
30 index, and update the appraisals at 5-year intervals. If more than one impacted farmer
31 desires to lease a particular parcel of available land, the one that has the greatest number
32 of designated acres shall have priority.

33
34 (d) Impacted vegetable farmers shall have priority in leasing vegetable-area available
35 land. An impacted vegetable farmer shall have the right to lease vegetable-area available
36 land, upon expiration of the existing lease, for a term of 20 years or a term ending August
37 25, 2018, whichever term first expires, and at a rental rate determined by appraisal using
38 established state procedures. If the lessee elects, such terms may consist of an initial 5-
39 year term, with successive options to renew at the lessee's option for additional 5-year
40 terms. For extensions of leases on those parcels of land that have previously been
41 competitively bid, the rental rate shall not be less than the rate the board of trustees
42 currently receives. The board of trustees may also adjust the rental rate on an annual basis
43 using an appropriate index, and update the appraisals at 5-year intervals. If more than one
44 impacted vegetable farmer desires to lease vegetable-area available land, the one that has
45 the greatest number of designated acres shall have priority.

1 (e) Impacted vegetable farmers with farming operations in areas of Florida other than the
2 EAA shall have priority in leasing suitable surplus lands, where such lands are located in
3 the St. Johns River Water Management District and in the vicinity of the other areas
4 where such impacted vegetable farmers operate. The suitability of such use shall be
5 determined solely by the St. Johns River Water Management District. The St. Johns River
6 Water Management District shall make good faith efforts to provide these impacted
7 vegetable farmers with the opportunity to lease such suitable lands to offset their
8 designated acres. The rental rate shall be determined by appraisal using established
9 procedures.

10
11 (f) The corporation conducting correctional work programs under part II of chapter 946
12 shall be entitled to renew, for a period of 20 years, its lease with the Department of
13 Corrections which expires June 30, 1998, which includes the utilization of land for the
14 production of sugar cane, and which is identified as lease number 2671 with the board of
15 trustees.

16
17 (g) Except as specified in paragraph (f), once the leases or lease extensions specified in
18 this subsection have been granted and become effective, the trustees shall retain the
19 authority to terminate after 9 years any such lease or lease extension upon 2 years' notice
20 to the lessee and a finding by the trustees that the lessee has ceased to be impacted as
21 provided in this section. In that event, the outgoing lessee is entitled to be compensated
22 for any documented, unamortized planting costs associated with the lease and any
23 unamortized capital costs incurred prior to the notice. In addition, the trustees may
24 terminate such lease or lease extension if the lessee fails to comply with, and after
25 reasonable notice and opportunity to correct or fails to correct, any material provision of
26 the lease or its obligation under this section.

27
28 (6) EVERGLADES AGRICULTURAL PRIVILEGE TAX.--

29
30 (a) There is hereby imposed an annual Everglades agricultural privilege tax for the
31 privilege of conducting an agricultural trade or business on:

- 32
33 1. All real property located within the EAA that is classified as agricultural under the
34 provisions of chapter 193; and
35
36 2. Leasehold or other interests in real property located within the EAA owned by the
37 United States, the state, or any agency thereof permitting the property to be used for
38 agricultural purposes in a manner that would allow such property to be classified as
39 agricultural under the provisions of chapter 193 if not governmentally owned, whether or
40 not such property is actually classified as agricultural under the provisions of chapter 193.

41
42 It is hereby determined by the Legislature that the privilege of conducting an agricultural
43 trade or business on such property constitutes a reasonable basis for imposition of the
44 Everglades agricultural privilege tax and that logical differences exist between the
45 agricultural use of such property and the use of other property within the EAA for
46 residential or nonagricultural commercial use. The Everglades agricultural privilege tax

1 shall constitute a lien against the property, or the leasehold or other interest in
2 governmental property permitting such property to be used for agricultural purposes,
3 described on the Everglades agricultural privilege tax roll. The lien shall be in effect from
4 January 1 of the year the tax notice is mailed until discharged by payment and shall be
5 equal in rank and dignity with the liens of all state, county, district, or municipal taxes
6 and non-ad valorem assessments imposed pursuant to general law, special act, or local
7 ordinance and shall be superior in dignity to all other liens, titles, and claims.
8

9 (b) The Everglades agricultural privilege tax, other than for leasehold or other interests
10 in governmental property permitting such property to be used for agricultural purposes,
11 shall be collected in the manner provided for ad valorem taxes. By September 15 of each
12 year, the governing board of the district shall certify by resolution an Everglades
13 agricultural privilege tax roll on compatible electronic medium to the tax collector of
14 each county in which a portion of the EAA is located. The district shall also produce one
15 copy of the roll in printed form which shall be available for inspection by the public. The
16 district shall post the Everglades agricultural privilege tax for each parcel on the roll. The
17 tax collector shall not accept any such roll that is not certified on compatible electronic
18 medium and that does not contain the posting of the Everglades agricultural privilege tax
19 for each parcel. It is the responsibility of the district that such rolls be free of errors and
20 omissions. Alterations to such rolls may be made by the executive director of the district,
21 or a designee, up to 10 days before certification. If the tax collector or any taxpayer
22 discovers errors or omissions on such roll, such person may request the district to file a
23 corrected roll or a correction of the amount of any Everglades agricultural privilege tax.
24 Other than for leasehold or other interests in governmental property permitting such
25 property to be used for agricultural purposes, Everglades agricultural privilege taxes
26 collected pursuant to this section shall be included in the combined notice for ad valorem
27 taxes and non-ad valorem assessments provided for in s. 197.3635. Such Everglades
28 agricultural privilege taxes shall be listed in the portion of the combined notice utilized
29 for non-ad valorem assessments. A separate mailing is authorized only as a solution to
30 the most exigent factual circumstances. However, if a tax collector cannot merge an
31 Everglades agricultural privilege tax roll to produce such a notice, the tax collector shall
32 mail a separate notice of Everglades agricultural privilege taxes or shall direct the district
33 to mail such a separate notice. In deciding whether a separate mailing is necessary, the
34 tax collector shall consider all costs to the district and taxpayers of such a separate
35 mailing and the adverse effects to the taxpayers of delayed and multiple notices. The
36 district shall bear all costs associated with any separate notice. Everglades agricultural
37 privilege taxes collected pursuant to this section shall be subject to all collection
38 provisions of chapter 197, including provisions relating to discount for early payment,
39 prepayment by installment method, deferred payment, penalty for delinquent payment,
40 and issuance and sale of tax certificates and tax deeds for nonpayment. Everglades
41 agricultural privilege taxes for leasehold or other interests in property owned by the
42 United States, the state, or any agency thereof permitting such property to be used for
43 agricultural purposes shall be included on the notice provided pursuant to s. 196.31, a
44 copy of which shall be provided to lessees or other interestholders registering with the
45 district, and shall be collected from the lessee or other appropriate interestholder and
46 remitted to the district immediately upon collection. Everglades agricultural privilege

1 taxes included on the statement provided pursuant to s. 196.31 shall be due and collected
2 on or prior to the next April 1 following provision of the notice. Proceeds of the
3 Everglades agricultural privilege taxes shall be distributed by the tax collector to the
4 district. Each tax collector shall be paid a commission equal to the actual cost of
5 collection, not to exceed 2 percent, on the amount of Everglades agricultural privilege
6 taxes collected and remitted. Notwithstanding any general law or special act to the
7 contrary, Everglades agricultural privilege taxes shall not be included on the notice of
8 proposed property taxes provided for in s. 200.069.

9
10 (c) The initial Everglades agricultural privilege tax roll shall be certified for the tax
11 notices mailed in November 1994. Incentive credits to the Everglades agricultural
12 privilege taxes to be included on the initial Everglades agricultural privilege tax roll, if
13 any, shall be based upon the total phosphorus load reduction for the year ending April 30,
14 1993. The Everglades agricultural privilege taxes for each year shall be computed in the
15 following manner:

16
17 1. Annual Everglades agricultural privilege taxes shall be charged for the privilege of
18 conducting an agricultural trade or business on each acre of real property or portion
19 thereof. The annual Everglades agricultural privilege tax shall be \$24.89 per acre for the
20 tax notices mailed in November 1994 through November 1997; \$27 per acre for the tax
21 notices mailed in November 1998 through November 2001; \$31 per acre for the tax
22 notices mailed in November 2002 through November 2005; and \$35 per acre for the tax
23 notices mailed in November 2006 through November 2013.

24
25 2. It is the intent of the Legislature to encourage the performance of best management
26 practices to maximize the reduction of phosphorus loads at points of discharge from the
27 EAA by providing an incentive credit against the Everglades agricultural privilege taxes
28 set forth in subparagraph 1. The total phosphorus load reduction shall be measured for the
29 entire EAA by comparing the actual measured total phosphorus load attributable to the
30 EAA for each annual period ending on April 30 to the total estimated phosphorus load
31 that would have occurred during the 1979-1988 base period using the model for total
32 phosphorus load determinations provided in chapter 40E-63, Florida Administrative
33 Code, utilizing the technical information and procedures contained in Section IV-EAA
34 Period of Record Flow and Phosphorus Load Calculations; Section V-Monitoring
35 Requirements; and Section VI-Phosphorus Load Allocations and Compliance
36 Calculations of the Draft Technical Document in Support of chapter 40E-63, Florida
37 Administrative Code - Works of the District within the Everglades, March 3, 1992, and
38 the Standard Operating Procedures for Water Quality Collection in Support of the
39 Everglades Water Condition Report, dated February 18, 1994. The model estimates the
40 total phosphorus load that would have occurred during the 1979-1988 base period by
41 substituting the rainfall conditions for such annual period ending April 30 for the
42 conditions that were used to calibrate the model for the 1979-1988 base period. The data
43 utilized to calculate the actual loads attributable to the EAA shall be adjusted to eliminate
44 the effect of any load and flow that were not included in the 1979-1988 base period as
45 defined in chapter 40E-63, Florida Administrative Code. The incorporation of the method
46 of measuring the total phosphorus load reduction provided in this subparagraph is

1 intended to provide a legislatively approved aid to the governing board of the district in
2 making an annual ministerial determination of any incentive credit.

3
4 3. Phosphorus load reductions calculated in the manner described in subparagraph 2. and
5 rounded to the nearest whole percentage point for each annual period beginning on May 1
6 and ending on April 30 shall be used to compute incentive credits to the Everglades
7 agricultural privilege taxes to be included on the annual tax notices mailed in November
8 of the next ensuing calendar year. Incentive credits, if any, will reduce the Everglades
9 agricultural privilege taxes set forth in subparagraph 1. only to the extent that the
10 phosphorus load reduction exceeds 25 percent. Subject to subparagraph 4., the reduction
11 of phosphorus load by each percentage point in excess of 25 percent, computed for the
12 12-month period ended on April 30 of the calendar year immediately preceding
13 certification of the Everglades agricultural privilege tax, shall result in the following
14 incentive credits: \$0.33 per acre for the tax notices mailed in November 1994 through
15 November 1997; \$0.54 per acre for the tax notices mailed in November 1998 through
16 November 2001; \$0.61 per acre for the tax notices mailed in November 2002 through
17 November 2005, and \$0.65 per acre for the tax notices mailed in November 2006 through
18 November 2013. The determination of incentive credits, if any, shall be documented by
19 resolution of the governing board of the district adopted prior to or at the time of the
20 adoption of its resolution certifying the annual Everglades agricultural privilege tax roll
21 to the appropriate tax collector.

22
23 4. Notwithstanding subparagraph 3., incentive credits for the performance of best
24 management practices shall not reduce the minimum annual Everglades agricultural
25 privilege tax to less than \$24.89 per acre, which annual Everglades agricultural privilege
26 tax as adjusted in the manner required by paragraph (e) shall be known as the "minimum
27 tax." To the extent that the application of incentive credits for the performance of best
28 management practices would reduce the annual Everglades agricultural privilege tax to
29 an amount less than the minimum tax, then the unused or excess incentive credits for the
30 performance of best management practices shall be carried forward, on a phosphorus load
31 percentage basis, to be applied as incentive credits in subsequent years. Any unused or
32 excess incentive credits remaining after certification of the Everglades agricultural
33 privilege tax roll for the tax notices mailed in November 2013 shall be canceled.

34
35 5. Notwithstanding the schedule of Everglades agricultural privilege taxes set forth in
36 subparagraph 1., the owner, lessee, or other appropriate interestholder of any property
37 shall be entitled to have the Everglades agricultural privilege tax for any parcel of
38 property reduced to the minimum tax, commencing with the tax notices mailed in
39 November 1996 for parcels of property participating in the early baseline option as
40 defined in chapter 40E-63, Florida Administrative Code, and with the tax notices mailed
41 in November 1997 for parcels of property not participating in the early baseline option,
42 upon compliance with the requirements set forth in this subparagraph. The owner, lessee,
43 or other appropriate interestholder shall file an application with the executive director of
44 the district prior to July 1 for consideration of reduction to the minimum tax on the
45 Everglades agricultural privilege tax roll to be certified for the tax notice mailed in
46 November of the same calendar year and shall have the burden of proving the reduction

1 in phosphorus load attributable to such parcel of property. The phosphorus load reduction
2 for each discharge structure serving the parcel shall be measured as provided in chapter
3 40E-63, Florida Administrative Code, and the permit issued for such property pursuant to
4 chapter 40E-63, Florida Administrative Code. A parcel of property which has achieved
5 the following annual phosphorus load reduction standards shall have the minimum tax
6 included on the annual tax notice mailed in November of the next ensuing calendar year:
7 30 percent or more for the tax notices mailed in November 1994 through November
8 1997; 35 percent or more for the tax notices mailed in November 1998 through
9 November 2001; 40 percent or more for the tax notices mailed in November 2002
10 through November 2005; and 45 percent or more for the tax notices mailed in November
11 2006 through November 2013. In addition, any parcel of property that achieves an annual
12 flow weighted mean concentration of 50 parts per billion (ppb) of phosphorus at each
13 discharge structure serving the property for any year ending April 30 shall have the
14 minimum tax included on the annual tax notice mailed in November of the next ensuing
15 calendar year. Any annual phosphorus reductions that exceed the amount necessary to
16 have the minimum tax included on the annual tax notice for any parcel of property shall
17 be carried forward to the subsequent years' phosphorus load reduction to determine if the
18 minimum tax shall be included on the annual tax notice. The governing board of the
19 district shall deny or grant the application by resolution adopted prior to or at the time of
20 the adoption of its resolution certifying the annual Everglades agricultural privilege tax
21 roll to the appropriate tax collector.

22
23 6. The annual Everglades agricultural privilege tax for the tax notices mailed in
24 November 2014 through November 2016 shall be \$25 per acre and for tax notices mailed
25 in November 2017 and thereafter shall be \$10 per acre.

26
27 (d) For purposes of this paragraph, "vegetable acreage" means, for each tax year, any
28 portion of a parcel of property used for a period of not less than 8 months for the
29 production of vegetable crops, including sweet corn, during the 12 months ended
30 September 30 of the year preceding the tax year. Land preparation, crop rotation, and
31 fallow periods shall not disqualify property from classification as vegetable acreage if
32 such property is actually used for the production of vegetable crops.

33
34 1. It is hereby determined by the Legislature that vegetable farming in the EAA is
35 subject to volatile market conditions and is particularly subject to crop loss or damage
36 due to freezes, flooding, and drought. It is further determined by the Legislature that, due
37 to the foregoing factors, imposition of an Everglades agricultural privilege tax upon
38 vegetable acreage in excess of the minimum tax could create a severe economic hardship
39 and impair the production of vegetable crops. Notwithstanding the schedule of
40 Everglades agricultural privilege taxes set forth in subparagraph (c)1., the Everglades
41 agricultural privilege tax for vegetable acreage shall be the minimum tax, and vegetable
42 acreage shall not be entitled to any incentive credits.

43
44 2. If either the Governor, the President of the United States, or the United States
45 Department of Agriculture declares the existence of a state of emergency or disaster
46 resulting from extreme natural conditions impairing the ability of vegetable acreage to

1 produce crops, payment of the Everglades agricultural privilege taxes imposed for the
2 privilege of conducting an agricultural trade or business on such property shall be
3 deferred for a period of 1 year, and all subsequent annual payments shall be deferred for
4 the same period.

5
6 a. If the declaration occurs between April 1 and October 31, the Everglades agricultural
7 privilege tax to be included on the next annual tax notice will be deferred to the
8 subsequent annual tax notice.

9
10 b. If the declaration occurs between November 1 and March 31 and the Everglades
11 agricultural privilege tax included on the most recent tax notice has not been paid, such
12 Everglades agricultural privilege tax will be deferred to the next annual tax notice.

13
14 c. If the declaration occurs between November 1 and March 31 and the Everglades
15 agricultural privilege tax included on the most recent tax notice has been paid, the
16 Everglades agricultural privilege tax to be included on the next annual tax notice will be
17 deferred to the subsequent annual tax notice.

18
19 3. In the event payment of Everglades agricultural privilege taxes is deferred pursuant to
20 this paragraph, the district must record a notice in the official records of each county in
21 which vegetable acreage subject to such deferment is located. The recorded notice must
22 describe each parcel of property as to which Everglades agricultural privilege taxes have
23 been deferred and the amount deferred for such property. If all or any portion of the
24 property as to which Everglades agricultural privilege taxes have been deferred ceases to
25 be classified as agricultural under the provisions of chapter 193 or otherwise subject to
26 the Everglades agricultural privilege tax, all deferred amounts must be included on the
27 tax notice for such property mailed in November of the first tax year for which such
28 property is not subject to the Everglades agricultural privilege tax. After a property owner
29 has paid all outstanding Everglades agricultural privilege taxes, including any deferred
30 amounts, the district shall provide the property owner with a recordable instrument
31 evidencing the payment of all outstanding amounts.

32
33 4. The owner, lessee, or other appropriate interestholder must file an application with the
34 executive director of the district prior to July 1 for classification of a portion of the
35 property as vegetable acreage on the Everglades agricultural privilege tax roll to be
36 certified for the tax notice mailed in November of the same calendar year and shall have
37 the burden of proving the number of acres used for the production of vegetable crops
38 during the year in which incentive credits are determined and the period of such use. The
39 governing board of the district shall deny or grant the application by resolution adopted
40 prior to or at the time of the adoption of its resolution certifying the annual Everglades
41 agricultural privilege tax roll to the appropriate tax collector.

42
43 5. This paragraph does not relieve vegetable acreage from the performance of best
44 management practices specified in chapter 40E-63, Florida Administrative Code.
45

(e) If, for any tax year, the number of acres subject to the Everglades agricultural privilege tax is less than the number of acres included on the Everglades agricultural privilege tax roll certified for the tax notices mailed in November 1994, the minimum tax shall be subject to increase in the manner provided in this paragraph. In determining the number of acres subject to the Everglades agricultural privilege tax for purposes of this paragraph, property acquired by a not-for-profit entity for purposes of conservation and preservation, the United States, or the state, or any agency thereof, and removed from the Everglades agricultural privilege tax roll after January 1, 1994, shall be treated as subject to the tax even though no tax is imposed or due: in its entirety, for tax notices mailed prior to November 2000; to the extent its area exceeds 4 percent of the total area of property subject to the Everglades agricultural tax, for tax notices mailed in November 2000 through November 2005; and to the extent its area exceeds 8 percent of the total area of property subject to the Everglades agricultural tax, for tax notices mailed in November 2006 and thereafter. For each tax year, the district shall determine the amount, if any, by which the sum of the following exceeds \$12,367,000:

1. The product of the minimum tax multiplied by the number of acres subject to the Everglades agricultural privilege tax; and
2. The ad valorem tax increment, as defined in this subparagraph.

The aggregate of such annual amounts, less any portion previously applied to eliminate or reduce future increases in the minimum tax, as described in this paragraph, shall be known as the "excess tax amount." If for any tax year, the amount computed by multiplying the minimum tax by the number of acres then subject to the Everglades agricultural privilege tax is less than \$12,367,000, the excess tax amount shall be applied in the following manner. If the excess tax amount exceeds such difference, an amount equal to the difference shall be deducted from the excess tax amount and applied to eliminate any increase in the minimum tax. If such difference exceeds the excess tax amount, the excess tax amount shall be applied to reduce any increase in the minimum tax. In such event, a new minimum tax shall be computed by subtracting the remaining excess tax amount from \$12,367,000 and dividing the result by the number of acres subject to the Everglades agricultural privilege tax for such tax year. For purposes of this paragraph, the "ad valorem tax increment" means 50 percent of the difference between the amount of ad valorem taxes actually imposed by the district for the immediate prior tax year against property included on the Everglades agricultural privilege tax roll certified for the tax notices mailed in November 1994 that was not subject to the Everglades agricultural privilege tax during the immediate prior tax year and the amount of ad valorem taxes that would have been imposed against such property for the immediate prior tax year if the taxable value of each acre had been equal to the average taxable value of all other land classified as agricultural within the EAA for such year; however, the ad valorem tax increment for any year shall not exceed the amount that would have been derived from such property from imposition of the minimum tax during the immediate prior tax year.

1 (f) Any owner, lessee, or other appropriate interestholder of property subject to the
2 Everglades agricultural privilege tax may contest the Everglades agricultural privilege tax
3 by filing an action in circuit court.
4

5 1. No action may be brought to contest the Everglades agricultural privilege tax after 60
6 days from the date the tax notice that includes the Everglades agricultural privilege tax is
7 mailed by the tax collector. Before an action to contest the Everglades agricultural
8 privilege tax may be brought, the taxpayer shall pay to the tax collector the amount of the
9 Everglades agricultural privilege tax which the taxpayer admits in good faith to be owing.
10 The tax collector shall issue a receipt for the payment, and the receipt shall be filed with
11 the complaint. Payment of an Everglades agricultural privilege tax shall not be deemed an
12 admission that such tax was due and shall not prejudice the right to bring a timely action
13 to challenge such tax and seek a refund. No action to contest the Everglades agricultural
14 privilege tax may be maintained, and such action shall be dismissed, unless all
15 Everglades agricultural privilege taxes imposed in years after the action is brought, which
16 the taxpayer in good faith admits to be owing, are paid before they become delinquent.
17 The requirements of this subparagraph are jurisdictional.
18

19 2. In any action involving a challenge of the Everglades agricultural privilege tax, the
20 court shall assess all costs. If the court finds that the amount of tax owed by the taxpayer
21 is greater than the amount the taxpayer has in good faith admitted and paid, it shall enter
22 judgment against the taxpayer for the deficiency and for interest on the deficiency at the
23 rate of 12 percent per year from the date the tax became delinquent. If it finds that the
24 amount of tax which the taxpayer has admitted to be owing is grossly disproportionate to
25 the amount of tax found to be due and that the taxpayer's admission was not made in
26 good faith, the court shall also assess a penalty at the rate of 25 percent of the deficiency
27 per year from the date the tax became delinquent. The court may issue injunctions to
28 restrain the sale of property for any Everglades agricultural privilege tax which appears to
29 be contrary to law or equity.
30

31 (g) Notwithstanding any contrary provisions in chapter 120, or any provision of any
32 other law, an action in circuit court shall be the exclusive remedy to challenge the
33 assessment of an Everglades agricultural privilege tax and owners of property subject to
34 the Everglades agricultural privilege tax shall have no right or standing to initiate
35 administrative proceedings under chapter 120 to challenge the assessment of an
36 Everglades agricultural privilege tax, including specifically, and without limitation, the
37 annual certification by the district governing board of the Everglades agricultural
38 privilege tax roll to the appropriate tax collector, the annual calculation of any incentive
39 credit for phosphorus level reductions, the denial of an application for exclusion from the
40 Everglades agricultural privilege tax, the calculation of the minimum tax adjustments
41 provided in paragraph (e), the denial of an application for reduction to the minimum tax,
42 and the denial of any application for classification as vegetable acreage, deferment of
43 payment for vegetable acreage, or correction of any alleged error in the Everglades
44 agricultural privilege tax roll.
45

(h) In recognition of the findings set forth in subsection (1), the Legislature finds that the assessment and use of the Everglades agricultural privilege tax is a matter of concern to all areas of Florida and the Legislature intends this act to be a general law authorization of the tax within the meaning of s. 9, Art. VII of the State Constitution and that payment of the tax complies with the obligations of owners and users of land under s. 7(b), Art. II of the State Constitution.

(7) C-139 AGRICULTURAL PRIVILEGE TAX.--

(a) There is hereby imposed an annual C-139 agricultural privilege tax for the privilege of conducting an agricultural trade or business on:

1. All real property located within the C-139 Basin that is classified as agricultural under the provisions of chapter 193; and

2. Leasehold or other interests in real property located within the C-139 Basin owned by the United States, the state, or any agency thereof permitting the property to be used for agricultural purposes in a manner that would result in such property being classified as agricultural under the provisions of chapter 193 if not governmentally owned, whether or not such property is actually classified as agricultural under the provisions of chapter 193.

It is hereby determined by the Legislature that the privilege of conducting an agricultural trade or business on such property constitutes a reasonable basis for imposing the C-139 agricultural privilege tax and that logical differences exist between the agricultural use of such property and the use of other property within the C-139 Basin for residential or nonagricultural commercial use. The C-139 agricultural privilege tax shall constitute a lien against the property, or the leasehold or other interest in governmental property permitting such property to be used for agricultural purposes, described on the C-139 agricultural privilege tax roll. The lien shall be in effect from January 1 of the year the tax notice is mailed until discharged by payment and shall be equal in rank and dignity with the liens of all state, county, district, or municipal taxes and non-ad valorem assessments imposed pursuant to general law, special act, or local ordinance and shall be superior in dignity to all other liens, titles, and claims.

(b) The C-139 agricultural privilege tax, other than for leasehold or other interests in governmental property permitting such property to be used for agricultural purposes, shall be collected in the manner provided for ad valorem taxes. By September 15 of each year, the governing board of the district shall certify by resolution a C-139 agricultural privilege tax roll on compatible electronic medium to the tax collector of each county in which a portion of the C-139 Basin is located. The district shall also produce one copy of the roll in printed form which shall be available for inspection by the public. The district shall post the C-139 agricultural privilege tax for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the C-139 agricultural privilege tax for each parcel. It is the responsibility of the district that such rolls be free of errors and omissions.

Alterations to such rolls may be made by the executive director of the district, or a

1 designee, up to 10 days before certification. If the tax collector or any taxpayer discovers
2 errors or omissions on such roll, such person may request the district to file a corrected
3 roll or a correction of the amount of any C-139 agricultural privilege tax. Other than for
4 leasehold or other interests in governmental property permitting such property to be used
5 for agricultural purposes, C-139 agricultural privilege taxes collected pursuant to this
6 section shall be included in the combined notice for ad valorem taxes and non-ad valorem
7 assessments provided for in s. 197.3635. Such C-139 agricultural privilege taxes shall be
8 listed in the portion of the combined notice utilized for non-ad valorem assessments. A
9 separate mailing is authorized only as a solution to the most exigent factual
10 circumstances. However, if a tax collector cannot merge a C-139 agricultural privilege
11 tax roll to produce such a notice, the tax collector shall mail a separate notice of C-139
12 agricultural privilege taxes or shall direct the district to mail such a separate notice. In
13 deciding whether a separate mailing is necessary, the tax collector shall consider all costs
14 to the district and taxpayers of such a separate mailing and the adverse effects to the
15 taxpayers of delayed and multiple notices. The district shall bear all costs associated with
16 any separate notice. C-139 agricultural privilege taxes collected pursuant to this section
17 shall be subject to all collection provisions of chapter 197, including provisions relating
18 to discount for early payment, prepayment by installment method, deferred payment,
19 penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for
20 nonpayment. C-139 agricultural privilege taxes for leasehold or other interests in property
21 owned by the United States, the state, or any agency thereof permitting such property to
22 be used for agricultural purposes shall be included on the notice provided pursuant to s.
23 196.31, a copy of which shall be provided to lessees or other interestholders registering
24 with the district, and shall be collected from the lessee or other appropriate interestholder
25 and remitted to the district immediately upon collection. C-139 agricultural privilege
26 taxes included on the statement provided pursuant to s. 196.31 shall be due and collected
27 on or prior to the next April 1 following provision of the notice. Proceeds of the C-139
28 agricultural privilege taxes shall be distributed by the tax collector to the district. Each
29 tax collector shall be paid a commission equal to the actual cost of collection, not to
30 exceed 2 percent, on the amount of C-139 agricultural privilege taxes collected and
31 remitted. Notwithstanding any general law or special act to the contrary, C-139
32 agricultural privilege taxes shall not be included on the notice of proposed property taxes
33 provided in s. 200.069.

34
35 (c)1. The initial C-139 agricultural privilege tax roll shall be certified for the tax notices
36 mailed in November 1994. The C-139 agricultural privilege taxes for the tax notices
37 mailed in November 1994 through November 2002 shall be computed by dividing
38 \$654,656 by the number of acres included on the C-139 agricultural privilege tax roll for
39 such year, excluding any property located within the C-139 Annex.

40
41 2. The C-139 agricultural privilege taxes for the tax notices mailed in November 2003
42 through November 2013 shall be computed by dividing \$654,656 by the number of acres
43 included on the C-139 agricultural privilege tax roll for November 2001, excluding any
44 property located within the C-139 Annex.
45

1 3. The C-139 agricultural privilege taxes for the tax notices mailed in November 2014
2 and thereafter shall be \$1.80 per acre.
3

4 (d) For purposes of this paragraph, "vegetable acreage" means, for each tax year, any
5 portion of a parcel of property used for a period of not less than 8 months for the
6 production of vegetable crops, including sweet corn, during the 12 months ended
7 September 30 of the year preceding the tax year. Land preparation, crop rotation, and
8 fallow periods shall not disqualify property from classification as vegetable acreage if
9 such property is actually used for the production of vegetable crops.
10

11 1. If either the Governor, the President of the United States, or the United States
12 Department of Agriculture declares the existence of a state of emergency or disaster
13 resulting from extreme natural conditions impairing the ability of vegetable acreage to
14 produce crops, payment of the C-139 agricultural privilege taxes imposed for the
15 privilege of conducting an agricultural trade or business on such property shall be
16 deferred for a period of 1 year, and all subsequent annual payments shall be deferred for
17 the same period.
18

19 a. If the declaration occurs between April 1 and October 31, the C-139 agricultural
20 privilege tax to be included on the next annual tax notice will be deferred to the
21 subsequent annual tax notice.
22

23 b. If the declaration occurs between November 1 and March 31 and the C-139
24 agricultural privilege tax included on the most recent tax notice has not been paid, such
25 C-139 agricultural privilege tax will be deferred to the next annual tax notice.
26

27 c. If the declaration occurs between November 1 and March 31 and the C-139
28 agricultural privilege tax included on the most recent tax notice has been paid, the C-139
29 agricultural privilege tax to be included on the next annual tax notice will be deferred to
30 the subsequent annual tax notice.
31

32 2. In the event payment of C-139 agricultural privilege taxes is deferred pursuant to this
33 paragraph, the district must record a notice in the official records of each county in which
34 vegetable acreage subject to such deferment is located. The recorded notice must describe
35 each parcel of property as to which C-139 agricultural privilege taxes have been deferred
36 and the amount deferred for such property. If all or any portion of the property as to
37 which C-139 agricultural privilege taxes have been deferred ceases to be classified as
38 agricultural under the provisions of chapter 193 or otherwise subject to the C-139
39 agricultural privilege tax, all deferred amounts must be included on the tax notice for
40 such property mailed in November of the first tax year for which such property is not
41 subject to the C-139 agricultural privilege tax. After a property owner has paid all
42 outstanding C-139 agricultural privilege taxes, including any deferred amounts, the
43 district shall provide the property owner with a recordable instrument evidencing the
44 payment of all outstanding amounts.
45

1 3. The owner, lessee, or other appropriate interestholder shall file an application with the
2 executive director of the district prior to July 1 for classification of a portion of the
3 property as vegetable acreage on the C-139 agricultural privilege tax roll to be certified
4 for the tax notice mailed in November of the same calendar year and shall have the
5 burden of proving the number of acres used for the production of vegetable crops during
6 the year in which incentive credits are determined and the period of such use. The
7 governing board of the district shall deny or grant the application by resolution adopted
8 prior to or at the time of the adoption of its resolution certifying the annual C-139
9 agricultural privilege tax roll to the appropriate tax collector.

10
11 4. This paragraph does not relieve vegetable acreage from the performance of best
12 management practices specified in chapter 40E-63, Florida Administrative Code.

13
14 (e) Any owner, lessee, or other appropriate interestholder of property subject to the C-
15 139 agricultural privilege tax may contest the C-139 agricultural privilege tax by filing an
16 action in circuit court.

17
18 1. No action may be brought to contest the C-139 agricultural privilege tax after 60 days
19 from the date the tax notice that includes the C-139 agricultural privilege tax is mailed by
20 the tax collector. Before an action to contest the C-139 agricultural privilege tax may be
21 brought, the taxpayer shall pay to the tax collector the amount of the C-139 agricultural
22 privilege tax which the taxpayer admits in good faith to be owing. The tax collector shall
23 issue a receipt for the payment and the receipt shall be filed with the complaint. Payment
24 of an C-139 agricultural privilege tax shall not be deemed an admission that such tax was
25 due and shall not prejudice the right to bring a timely action to challenge such tax and
26 seek a refund. No action to contest the C-139 agricultural privilege tax may be
27 maintained, and such action shall be dismissed, unless all C-139 agricultural privilege
28 taxes imposed in years after the action is brought, which the taxpayer in good faith admits
29 to be owing, are paid before they become delinquent. The requirements of this paragraph
30 are jurisdictional.

31
32 2. In any action involving a challenge of the C-139 agricultural privilege tax, the court
33 shall assess all costs. If the court finds that the amount of tax owed by the taxpayer is
34 greater than the amount the taxpayer has in good faith admitted and paid, it shall enter
35 judgment against the taxpayer for the deficiency and for interest on the deficiency at the
36 rate of 12 percent per year from the date the tax became delinquent. If it finds that the
37 amount of tax which the taxpayer has admitted to be owing is grossly disproportionate to
38 the amount of tax found to be due and that the taxpayer's admission was not made in
39 good faith, the court shall also assess a penalty at the rate of 25 percent of the deficiency
40 per year from the date the tax became delinquent. The court may issue injunctions to
41 restrain the sale of property for any C-139 agricultural privilege tax which appears to be
42 contrary to law or equity.

43
44 (f) Notwithstanding any contrary provisions in chapter 120, or any provision of any other
45 law, an action in circuit court shall be the exclusive remedy to challenge the assessment
46 of an C-139 agricultural privilege tax and owners of property subject to the C-139

1 agricultural privilege tax shall have no right or standing to initiate administrative
2 proceedings under chapter 120 to challenge the assessment of an C-139 agricultural
3 privilege tax including specifically, and without limitation, the annual certification by the
4 district governing board of the C-139 agricultural privilege tax roll to the appropriate tax
5 collector, the denial of an application for exclusion from the C-139 agricultural privilege
6 tax, and the denial of any application for classification as vegetable acreage, deferment of
7 payment for vegetable acreage, or correction of any alleged error in the C-139
8 agricultural privilege tax roll.

9
10 (g) In recognition of the findings set forth in subsection (1), the Legislature finds that the
11 assessment and use of the C-139 agricultural privilege tax is a matter of concern to all
12 areas of Florida and the Legislature intends this section to be a general law authorization
13 of the tax within the meaning of s. 9, Art. VII of the State Constitution.

14
15 (8) SPECIAL ASSESSMENTS.--

16
17 (a) In addition to any other legally available funding mechanism, the district may create,
18 alone or in cooperation with counties, municipalities, and special districts pursuant to s.
19 163.01, the Florida Interlocal Cooperation Act of 1969, one or more stormwater
20 management system benefit areas including property located outside the EAA and the C-
21 139 Basin, and property located within the EAA and the C-139 Basin that is not subject
22 to the Everglades agricultural privilege tax or the C-139 agricultural privilege tax. The
23 district may levy special assessments within said benefit areas to fund the planning,
24 acquisition, construction, financing, operation, maintenance, and administration of
25 stormwater management systems for the benefited areas. Any benefit area in which
26 property owners receive substantially different levels of stormwater management system
27 benefits shall include stormwater management system benefit subareas within which
28 different per acreage assessments shall be levied from subarea to subarea based upon a
29 reasonable relationship to benefits received. The assessments shall be calculated to
30 generate sufficient funds to plan, acquire, construct, finance, operate, and maintain the
31 stormwater management systems authorized pursuant to this section.

32
33 (b) The district may use the non-ad valorem levy, collection, and enforcement method as
34 provided in chapter 197 for assessments levied pursuant to paragraph (a).

35
36 (c) The district shall publish notice of the certification of the non-ad valorem assessment
37 roll pursuant to chapter 197 in a newspaper of general circulation in the counties wherein
38 the assessment is being levied, within 1 week after the district certifies the non-ad
39 valorem assessment roll to the tax collector pursuant to s. 197.3632(5). The assessments
40 levied pursuant to paragraph (a) shall be final and conclusive as to each lot or parcel
41 unless the owner thereof shall, within 90 days of certification of the non-ad valorem
42 assessment roll pursuant to s. 197.3632(5), commence an action in circuit court. Absent
43 such commencement of an action within such period of time by an owner of a lot or
44 parcel, such owner shall thereafter be estopped to raise any question related to the special
45 benefit afforded the property or the reasonableness of the amount of the assessment.
46 Except with respect to an owner who has commenced such an action, the non-ad valorem

1 assessment roll as finally adopted and certified by the South Florida Water Management
2 District to the tax collector pursuant to s. 197.3632(5) shall be competent and sufficient
3 evidence that the assessments were duly levied and that all other proceedings adequate to
4 the adoption of the non-ad valorem assessment roll were duly held, taken, and performed
5 as required by s. 197.3632. If any assessment is abated in whole or in part by the court,
6 the amount by which the assessment is so reduced may, by resolution of the governing
7 board of the district, be payable from funds of the district legally available for that
8 purpose, or at the discretion of the governing board of the district, assessments may be
9 increased in the manner provided in s. 197.3632.

10
11 (d) In no event shall the amount of funds collected for stormwater management facilities
12 pursuant to paragraph (a) exceed the cost of providing water management attributable to
13 water quality treatment resulting from the operation of stormwater management systems
14 of the landowners to be assessed. Such water quality treatment may be required by the
15 plan or permits issued by the district. Prior to the imposition of assessments pursuant to
16 paragraph (a) for construction of new stormwater management systems or the acquisition
17 of necessary land, the district shall establish the general purpose, design, and function of
18 the new system sufficient to make a fair and reasonable determination of the estimated
19 costs of water management attributable to water quality treatment resulting from
20 operation of stormwater management systems of the landowners to be assessed. This
21 determination shall establish the proportion of the total anticipated costs attributable to
22 the landowners. In determining the costs to be imposed by assessments, the district shall
23 consider the extent to which nutrients originate from external sources beyond the control
24 of the landowners to be assessed. Costs for hydroperiod restoration within the Everglades
25 Protection Area shall be provided by funds other than those derived from the
26 assessments. The proportion of total anticipated costs attributable to the landowners shall
27 be apportioned to individual landowners considering the factors specified in paragraph
28 (e). Any determination made pursuant to this paragraph or paragraph (e) may be included
29 in the plan or permits issued by the district.

30
31 (e) In determining the amount of any assessment imposed on an individual landowner
32 under paragraph (a), the district shall consider the quality and quantity of the stormwater
33 discharged by the landowner, the amount of treatment provided to the landowner, and
34 whether the landowner has provided equivalent treatment or retention prior to discharge
35 to the district's system.

36
37 (f) No assessment shall be imposed under this section for the operation or maintenance
38 of a stormwater management system or facility for which construction has been
39 completed on or before July 1, 1991, except to the extent that the operation or
40 maintenance, or any modification of such system or facility, is required to provide water
41 quality treatment.

42
43 (g) The district shall suspend, terminate, or modify projects and funding for such
44 projects, as appropriate, if the projects are not achieving applicable goals specified in the
45 plan.
46

1 (h) The Legislature hereby determines that any property owner who contributes to the
2 need for stormwater management systems and programs, as determined for each
3 individual property owner either through the plan or through permits issued to the district
4 or to the property owner, is deemed to benefit from such systems and programs, and such
5 benefits are deemed to be directly proportional to the relative contribution of the property
6 owner to such need. The Legislature also determines that the issuance of a master permit
7 provides benefits, through the opportunity to achieve collective compliance, for all
8 persons within the area of the master permit which may be considered by the district in
9 the imposition of assessments under this section.

10
11 (9) PERMITS.--
12

13 (a) The Legislature finds that construction and operation of the Everglades Construction
14 Project will benefit the water resources of the district and is consistent with the public
15 interest. The district shall construct, maintain, and operate the Everglades Construction
16 Project in accordance with this section.
17

18 (b) The Legislature finds that there is an immediate need to initiate cleanup and
19 restoration of the Everglades Protection Area through the Everglades Construction
20 Project. In recognition of this need, the district may begin construction of the Everglades
21 Construction Project prior to final agency action, or notice of intended agency action, on
22 any permit from the department under this section.
23

24 (c) The department may issue permits to the district to construct, operate, and maintain
25 the Everglades Construction Project based on the criteria set forth in this section. The
26 permits to be issued by the department to the district under this section shall be in lieu of
27 other permits under this part or 2part VIII of chapter 403, 1992 Supplement to the Florida
28 Statutes 1991.
29

30 (d) By June 1, 1994, the district shall apply to the department for a permit or permits for
31 the construction, operation, and maintenance of the Everglades Construction Project. The
32 district may comply with this paragraph by amending its pending Everglades permit
33 application.
34

35 (e) The department shall issue a permit for a term of 5 years for the construction,
36 operation, and maintenance of the Everglades Construction Project upon the district's
37 providing reasonable assurances that:
38

- 39 1. The project will be constructed, operated, and maintained in accordance with the
40 Everglades Construction Project;
41
- 42 2. The BMP program set forth in paragraph (4)(f) has been implemented; and
43
- 44 3. The final design of the Everglades Construction Project shall minimize wetland
45 impacts, to the maximum extent practicable and consistent with the Everglades
46 Construction Project.

1
2 (f) At least 60 days prior to the expiration of any permit issued under this section, the
3 district may apply for renewal for a period of 5 years.

4
5 (g) Permits issued under this section may include any standard conditions provided by
6 department rule which are appropriate and consistent with this section.

7
8 (h) Discharges shall be allowed, provided the STAs are operated in accordance with this
9 section, if, after a stabilization period:

10
11 1. The STAs achieve the design objectives of the Everglades Construction Project for
12 phosphorus;

13
14 2. For water quality parameters other than phosphorus, the quality of water discharged
15 from the STAs is of equal or better quality than inflows; and

16
17 3. Discharges from STAs do not pose a serious danger to the public health, safety, or
18 welfare.

19
20 (i) The district may discharge from any STA into waters of the state upon issuance of
21 final agency action authorizing such action or in accordance with s. 373.439.

22
23 (j)1. Modifications to the Everglades Construction Project shall be submitted to the
24 department for a determination as to whether permit modification is necessary. The
25 department shall notify the district within 30 days after receiving the submittal as to
26 whether permit modification is necessary.

27
28 2. The Legislature recognizes that technological advances may occur during the
29 construction of the Everglades Construction Project. If superior technology becomes
30 available in the future which can be implemented to more effectively meet the intent and
31 purposes of this section, the district is authorized to pursue that alternative through permit
32 modification to the department. The department may issue or modify a permit provided
33 that the alternative is demonstrated to be superior at achieving the restoration goals of the
34 Everglades Construction Project considering:

35
36 a. Levels of load reduction;

37
38 b. Levels of discharge concentration reduction;

39
40 c. Water quantity, distribution, and timing for the Everglades Protection Area;

41
42 d. Compliance with water quality standards;

43
44 e. Compatibility of treated water with the balance in natural populations of aquatic flora
45 or fauna in the Everglades Protection Area;

1 f. Cost-effectiveness; and

2
3 g. The schedule for implementation.

4
5 Upon issuance of permit modifications by the department, the district is authorized to use
6 available funds to finance the modification.

7
8 3. The district shall modify projects of the Everglades Construction Project, as
9 appropriate, if the projects are not achieving the design objectives. Modifications that are
10 inconsistent with the permit shall require a permit modification from the department.
11 Modifications which substitute the treatment technology must meet the requirements of
12 subparagraph 2. Nothing in this section shall prohibit the district from refining or
13 modifying the final design of the project based upon the February 14, 1994, conceptual
14 design document in accordance with standard engineering practices.

15
16 (k) By October 1, 1994, the district shall apply for a permit under this section to operate
17 and maintain discharge structures within the control of the district which discharge into,
18 within, or from the Everglades Protection Area and are not included in the Everglades
19 Construction Project. The district may comply with this subsection by amending its
20 pending permit application regarding these structures. In addition to the requirements of
21 ss. 373.413 and 373.416, the application shall include the following:

22
23 1. Schedules and strategies for:

24
25 a. Achieving and maintaining water quality standards;

26
27 b. Evaluation of existing programs, permits, and water quality data;

28
29 c. Acquisition of lands and construction and operation of water treatment facilities, if
30 appropriate, together with development of funding mechanisms; and

31
32 d. Development of a regulatory program to improve water quality, including
33 identification of structures or systems requiring permits or modifications of existing
34 permits.

35
36 2. A monitoring program to ensure the accuracy of data and measure progress toward
37 achieving compliance with water quality standards.

38
39 (l) The department shall issue one or more permits for a term of 5 years for the operation
40 and maintenance of structures identified by the district in paragraph (k) upon the district's
41 demonstration of reasonable assurance that those elements identified in paragraph (k) will
42 provide compliance with water quality standards to the maximum extent practicable and
43 otherwise comply with the provisions of ss. 373.413 and 373.416. The department shall
44 take agency action on the permit application by October 1, 1996. At least 60 days prior to
45 the expiration of any permit, the district may apply for a renewal thereof for a period of 5
46 years.

1
2 (m) The district may apply for modification of any permit issued pursuant to this
3 subsection, including superior technology in accordance with the procedures set forth in
4 this subsection.

5
6 (n) The district also shall apply for a permit or modification of an existing permit, as
7 provided in this subsection, for any new structure or for any modification of an existing
8 structure.

9
10 (o) Except as otherwise provided in this section, nothing in this subsection shall relieve
11 any person from the need to obtain any permit required by the department or the district
12 pursuant to any other provision of law.

13
14 (p) The district shall publish notice of rulemaking pursuant to chapter 120 by October 1,
15 1991, allowing for a master permit or permits authorizing discharges from landowners
16 within that area served by structures identified as S-5A, S-6, S-7, S-8, and S-150. For
17 discharges within this area, the district shall not initiate any proceedings to require new
18 permits or permit modifications for nutrient limitations prior to the adoption of the master
19 permit rule by the governing board of the district or prior to April 1, 1992, whichever first
20 occurs. The district's rules shall also establish conditions or requirements allowing for a
21 single master permit for the Everglades Agricultural Area including those structures and
22 water releases subject to chapter 40E-61, Florida Administrative Code. No later than the
23 adoption of rules allowing for a single master permit, the department and the district shall
24 provide appropriate procedures for incorporating into a master permit separate permits
25 issued by the department under this chapter. The district's rules authorizing master
26 permits for the Everglades Agricultural Area shall provide requirements consistent with
27 this section and with interim or other permits issued by the department to the district.
28 Such a master permit shall not preclude the requirement that individual permits be
29 obtained for persons within the master permit area for activities not authorized by, or not
30 in compliance with, the master permit. Nothing in this subsection shall limit the authority
31 of the department or district to enforce existing permit requirements or existing rules, to
32 require permits for new structures, or to develop rules for master permits for other areas.
33 To the greatest extent possible the department shall delegate to the district any authority
34 necessary to implement this subsection which is not already delegated.

35
36 (10) LONG-TERM COMPLIANCE PERMITS.--By December 31, 2006, the department
37 and the district shall take such action as may be necessary to implement the pre-2006
38 projects and strategies of the Long-Term Plan so that water delivered to the Everglades
39 Protection Area achieves in all parts of the Everglades Protection Area state water quality
40 standards, including the phosphorus criterion and moderating provisions.

41
42 (a) By December 31, 2003, the district shall submit to the department an application for
43 permit modification to incorporate proposed changes to the Everglades Construction
44 Project and other district works delivering water to the Everglades Protection Area as
45 needed to implement the pre-2006 projects and strategies of the Long-Term Plan in all
46 permits issued by the department, including the permits issued pursuant to subsection (9).

1 These changes shall be designed to achieve state water quality standards, including the
2 phosphorus criterion and moderating provisions. During the implementation of the initial
3 phase of the Long-Term Plan, permits issued by the department shall be based on
4 BAPRT, and shall include technology-based effluent limitations consistent with the
5 Long-Term Plan, as provided in subparagraph (4)(e)3.

6
7 (b) If the Everglades Construction Project or other discharges to the Everglades
8 Protection Area are in compliance with state water quality standards, including the
9 phosphorus criterion, the permit application shall include:

10
11 1. A plan for maintaining compliance with the phosphorus criterion in the Everglades
12 Protection Area.

13
14 2. A plan for maintaining compliance in the Everglades Protection Area with state water
15 quality standards other than the phosphorus criterion.

16
17 (11) APPLICABILITY OF LAWS AND WATER QUALITY STANDARDS;
18 AUTHORITY OF DISTRICT AND DEPARTMENT.--

19
20 (a) Except as otherwise provided in this section, nothing in this section shall be
21 construed:

22
23 1. As altering any applicable state water quality standards, laws, or district or department
24 rules in areas impacted by this section; or

25
26 2. To restrict the authority otherwise granted the department and the district pursuant to
27 this chapter or chapter 403, and provisions of this section shall be deemed supplemental
28 to the authority granted pursuant to this chapter and chapter 403.

29
30 (b) Mixing zones, variances, and moderating provisions, or relief mechanisms for
31 compliance with water quality standards as provided by department rules, shall not be
32 permitted for discharges which are subject to paragraph (4)(f) and subject to this section,
33 except that site specific alternative criteria may be allowed for nonphosphorus parameters
34 if the applicant shows entitlement under applicable law. After December 31, 2006, all
35 such relief mechanisms may be allowed for nonphosphorus parameters if otherwise
36 provided for by applicable law.

37
38 (c) Those landowners or permittees who are not in compliance as provided in paragraph
39 (4)(f) must meet a discharge limit for phosphorus of 50 parts per billion (ppb) unless and
40 until some other limit has been established by department rule or order or operation of
41 paragraph (4)(e).

42
43 (12) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.--Nothing in this section is
44 intended to diminish or alter the governmental authority and powers of the Seminole
45 Tribe of Florida, or diminish or alter the rights of that tribe, including, but not limited to,
46 rights under the Water Rights Compact among the Seminole Tribe of Florida, the state,

1 and the South Florida Water Management District as enacted by Pub. L. No. 100-228,
2 101 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in s. 285.165, and
3 rights under any other agreement between the Seminole Tribe of Florida and the state or
4 its agencies. No land of the Seminole Tribe of Florida shall be used for stormwater
5 treatment without the consent of the tribe.
6

7 (13) ANNUAL REPORTS.--Beginning January 1, 1992, the district shall submit to the
8 department, the Governor, the Speaker of the House of Representatives, the Minority
9 Leader of the House of Representatives, the President of the Senate, and the Minority
10 Leader of the Senate annual progress reports regarding implementation of the section.
11 The annual report will include a summary of the water conditions in the Everglades
12 Protection Area, the status of the impacted areas, the status of the construction of the
13 STAs, the implementation of the BMPs, and actions taken to monitor and control exotic
14 species. The district must prepare the report in coordination with federal and state
15 agencies.
16

17 (14) EVERGLADES FUND.--The South Florida Water Management District is directed
18 to separately account for all moneys used for the purpose of funding the Everglades
19 Construction Project.
20

21 (15) DEFINITION OF EVERGLADES AGRICULTURAL AREA.--As used in this
22 section, "Everglades Agricultural Area" or "EAA" means the following described
23 property: BEGINNING at the intersection of the North line of Section 2, Township 41,
24 Range 37 East, with the Easterly right-of-way line of U.S. Army Corps of Engineers'
25 Levee D-9, in Palm Beach County, Florida; thence, easterly along said North line of said
26 Section 2 to the Northeast corner of said Section 2; thence, northerly along the West line
27 of Section 36, Township 40 South, Range 37 East, to the West one-quarter corner of said
28 Section 36; thence, easterly along the East-West half section line of said Section 36 to the
29 center of said Section 36; thence northerly along the North-South half section line of said
30 Section 36 to the North one-quarter corner of said Section 36, said point being on the line
31 between Palm Beach and Martin Counties; thence, easterly along said North line of said
32 Section 36 and said line between Palm Beach and Martin Counties to the Westerly right-
33 of-way line of the South Florida Water Management District's Levee 8 North Tieback;
34 thence, southerly along said Westerly right-of-way line of said Levee 8 North Tieback to
35 the Southerly right-of-way line of South Florida Water Management District's Levee 8 at
36 a point near the Northeast corner of Section 12, Township 41 South, Range 37 East;
37 thence, easterly along said Southerly right-of-way line of said Levee 8 to a point in
38 Section 7, Township 41 South, Range 38 East, where said right-of-way line turns
39 southeasterly; thence, southeasterly along the Southwesterly right-of-way line of said
40 Levee 8 to a point near the South line of Section 8, Township 43 South, Range 40 East,
41 where said right-of-way line turns southerly; thence, southerly along the Westerly right-
42 of-way line of said Levee 8 to the Northerly right-of-way line of State Road 80, in
43 Section 32, Township 43 South, Range 40 East; thence, westerly along the Northerly
44 right-of-way line of said State Road 80 to the northeasterly extension of the
45 Northwesterly right-of-way line of South Florida Water Management District's Levee 7;
46 thence, southwesterly along said northeasterly extension, and along the northwesterly

1 right-of-way line of said Levee 7 to a point near the Northwest corner of Section 3,
2 Township 45 South, Range 39 East, where said right-of-way turns southerly; thence,
3 southerly along the Westerly right-of-way line of said Levee 7 to the Northwesterly right-
4 of-way line of South Florida Water Management District's Levee 6, on the East line of
5 Section 4, Township 46 South, Range 39 East; thence, southwesterly along the
6 Northwesterly right-of-way line of said Levee 6 to the Northerly right-of-way line of
7 South Florida Water Management District's Levee 5, near the Southwest corner of
8 Section 22, Township 47 South, Range 38 East; thence, westerly along said Northerly
9 right-of-way lines of said Levee 5 and along the Northerly right-of-way line of South
10 Florida Water Management District's Levee 4 to the Northeasterly right-of-way line of
11 South Florida Water Management District's Levee 3 and the Northeast corner of Section
12 12, Township 48 South, Range 34 East; thence, northwesterly along said Northeasterly
13 right-of-way line of said Levee 3 to a point near the Southwest corner of Section 9,
14 Township 47 South, Range 34 East, where said right-of-way line turns northerly; thence,
15 northerly along the Easterly right-of-way lines of said Levee 3 and South Florida Water
16 Management District's Levee 2 to the southerly line of Section 4, Township 46 South,
17 Range 34 East; thence, easterly along said southerly line of said Section 4 to the
18 Southeast corner of said Section 4; thence, northerly along the East lines of said Section 4
19 and Section 33, Township 45 South, Range 34 East, to the Northeast corner of said
20 Section 33; thence, westerly along the North line of said Section 33 to said Easterly right-
21 of-way line of said Levee 2; thence, northerly along said Easterly right-of-way lines of
22 said Levee 2 and South Florida Water Management District's Levee 1, to the North line
23 of Section 16, Township 44 South, Range 34 East; thence, easterly along the North lines
24 of said Section 16 and Section 15, Township 44 South, Range 34 East, to the Northeast
25 corner of said Section 15; thence, northerly along the West lines of Section 11 and
26 Section 2, Township 44 South, Range 34 East, and the West lines of Section 35, Section
27 26 and Section 23, Township 43 South, Range 34 East to a point 25 feet north of the
28 West quarter-corner (W1/4) of said Section 23; thence, easterly along a line that is 25 feet
29 north and parallel to the East-West half section line of said Section 23 and Section 24 to a
30 point that is 25 feet north of the center of said Section 24; thence, northerly along the
31 North-South half section lines of said Section 24 and Section 13, Township 43 South,
32 Range 34 East, to the intersection with the North right-of-way line of State Road 80A
33 (old U.S. Highway 27); thence, westerly along said North right-of-way line of said State
34 Road 80A (old U.S. Highway 27) to the intersection with the Southerly right-of-way line
35 of State Road 80; thence, easterly along said Southerly right-of-way line of said State
36 Road 80 to the intersection with the North line of Section 19, Township 43 South, Range
37 35 East; thence, easterly along said North line of said Section 19 to the intersection with
38 Southerly right-of-way of U.S. Army Corps of Engineers Levee D-2; thence, easterly
39 along said Southerly right-of-way of said Levee D-2 to the intersection with the north
40 right-of-way line of State Road 80 (new U.S. Highway 27); thence, easterly along said
41 North right-of-way line of said State Road 80 (new U.S. Highway 27) to the East right-
42 of-way line of South Florida Water Management District's Levee 25 (Miami Canal);
43 thence, North along said East right-of-way line of said Levee 25 to the said south right-
44 of-way line of said Levee D-2; thence, easterly and northeasterly along said Southerly
45 and Easterly right-of-way lines of said Levee D-2 and said Levee D-9 to the point of
46 beginning.

1
2 (16) DEFINITION OF C-139 BASIN.--For purposes of this section:
3

4 (a) "C-139 Basin" or "Basin" means the following described property: beginning at the
5 intersection of an easterly extension of the south bank of Deer Fence Canal with the
6 center line of South Florida Water Management District's Levee 3 in Section 33,
7 Township 46 South, Range 34 East, Hendry County, Florida; thence, westerly along said
8 easterly extension and along the South bank of said Deer Fence Canal to where it
9 intersects the center line of State Road 846 in Section 33, Township 46 South, Range 32
10 East; thence, departing from said top of bank to the center line of said State Road 846,
11 westerly along said center line of said State Road 846 to the West line of Section 4,
12 Township 47 South, Range 31 East; thence, northerly along the West line of said section
13 4, and along the west lines of Sections 33 and 28, Township 46 South, Range 31 East, to
14 the northwest corner of said Section 28; thence, easterly along the North line of said
15 Section 28 to the North one-quarter (N1/4) corner of said Section 28; thence, northerly
16 along the West line of the Southeast one-quarter (SE1/4) of Section 21, Township 46
17 South, Range 31 East, to the northwest corner of said Southeast one-quarter (SE1/4) of
18 Section 21; thence, easterly along the North line of said Southeast one-quarter (SE1/4) of
19 Section 21 to the northeast corner of said Southeast one-quarter (SE1/4) of Section 21;
20 thence, northerly along the East line of said Section 21 and the East line of Section 16,
21 Township 46 South, Range 31, East, to the northeast corner thereof; thence, westerly
22 along the North line of said Section 16, to the northwest corner thereof; thence, northerly
23 along the West line of Sections 9 and 4, Township 46 South, Range 31, East, to the
24 northwest corner of said Section 4; thence, westerly along the North lines of Section 5
25 and Section 6, Township 46 South, Range 31 East, to the South one-quarter (S1/4) corner
26 of Section 31, Township 45 South, Range 31 East; thence, northerly to the South one-
27 quarter (S1/4) corner of Section 30, Township 45 South, Range 31 East; thence, easterly
28 along the South line of said Section 30 and the South lines of Sections 29 and 28,
29 Township 45 South, Range 31 East, to the Southeast corner of said Section 28; thence,
30 northerly along the East line of said Section 28 and the East lines of Sections 21 and 16,
31 Township 45 South, Range 31 East, to the Northwest corner of the Southwest one-quarter
32 of the Southwest one-quarter (SW1/4 of the SW 1/4) of Section 15, Township 45 South,
33 Range 31 East; thence, northeasterly to the east one-quarter (E1/4) corner of Section 15,
34 Township 45 South, Range 31 East; thence, northerly along the East line of said Section
35 15, and the East line of Section 10, Township 45 South, Range 31 East, to the center line
36 of a road in the Northeast one-quarter (NE1/4) of said Section 10; thence, generally
37 easterly and northeasterly along the center line of said road to its intersection with the
38 center line of State Road 832; thence, easterly along said center line of said State Road
39 832 to its intersection with the center line of State Road 833; thence, northerly along said
40 center line of said State Road 833 to the north line of Section 9, Township 44 South,
41 Range 32 East; thence, easterly along the North line of said Section 9 and the north lines
42 of Sections 10, 11 and 12, Township 44 South, Range 32 East, to the northeast corner of
43 Section 12, Township 44 South, Range 32 East; thence, easterly along the North line of
44 Section 7, Township 44 South, Range 33 East, to the center line of Flaghole Drainage
45 District Levee, as it runs to the east near the northwest corner of said Section 7, Township
46 44 South, Range 33 East; thence, easterly along said center line of the Flaghole Drainage

District Levee to where it meets the center line of South Florida Water Management District's Levee 1 at Flag Hole Road; thence, continue easterly along said center line of said Levee 1 to where it turns south near the Northwest corner of Section 12, Township 44 South, Range 33 East; thence, Southerly along said center line of said Levee 1 to where the levee turns east near the Southwest corner of said Section 12; thence, easterly along said center line of said Levee 1 to where it turns south near the Northeast corner of Section 17, Township 44 South, Range 34 East; thence, southerly along said center line of said Levee 1 and the center line of South Florida Water Management District's Levee 2 to the intersection with the north line of Section 33, Township 45 South, Range 34 East; thence, easterly along the north line of said Section 33 to the northeast corner of said Section 33; thence, southerly along the east line of said Section 33 to the southeast corner of said Section 33; thence, southerly along the east line of Section 4, Township 46 South, Range 34 East to the southeast corner of said Section 4; thence, westerly along the south line of said Section 4 to the intersection with the centerline of South Florida Water Management District's Levee 2; thence, southerly along said Levee 2 centerline and South Florida Water Management District's Levee 3 centerline to the POINT OF BEGINNING.

(b) Sections 21, 28, and 33, Township 46 South, Range 31 East, are not included within the boundary of the C-139 Basin.

(c) If the district issues permits in accordance with all applicable rules allowing water from the "C-139 Annex" to flow into the drainage system for the C-139 Basin, the C-139 Annex shall be added to the C-139 Basin for all tax years thereafter, commencing with the next C-139 agricultural privilege tax roll certified after issuance of such permits. "C-139 Annex" means the following described property: that part of the S.E. 1/4 of Section 32, Township 46 South, Range 34 East and that portion of Sections 5 and 6, Township 47 South, Range 34 East lying west of the L-3 Canal and South of the Deer Fence Canal; all of Sections 7, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33, and 34, and that portion of Sections 8, 9, 16, 21, 22, 26, 27, 35, and 36 lying south and west of the L-3 Canal, in Township 47 South, Range 34 East; and all of Sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 and that portion of Section 1 lying south and west of the L-3 Canal all in Township 48 South, Range 34 East.

(17) SHORT TITLE.--This section shall be known as the "Everglades Forever Act."

History.--s. 2, ch. 91-80; ss. 1, 2, ch. 94-115; s. 273, ch. 94-356; s. 171, ch. 99-13; s. 1, ch. 2003-12; s. 18, ch. 2003-394.

1Note.--Redesignated as subparagraph (4)(a)7. by s. 1, ch. 2003-12.

2Note.--Sections 403.91-403.938 comprised part VIII of ch. 403 in 1992. Except for s. 403.927 and ss. 403.93-403.958, these sections were repealed by ss. 45, 46, ch. 93-213, or s. 18, ch. 95-145. Sections 403.93-403.936 were repealed by s. 13, ch. 95-299. The two remaining sections from former part VIII as it was constituted in 1992, ss. 403.927 and 403.938 (transferred to s. 403.9333 by s. 12, ch. 95-299), are located in part VII of ch. 403.